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reconsider
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Regarding: R.H. Hall & T.W. Selby
Serial No. 09/172,577
Filing Date 10/13/98
For INERT GAS BLANKET FOR PROTECTION FROM OXIDATION

AF Remarks

Official

Attention: Box AF
Group Art Unit 3682
Examiners Chong H. Kim
and David A. Bucci

FAX RECEIVED

JUL 25 2001

GROUP 3682

Commissioner of Patents
Washington, D.C. 20231

I certify that this correspondence is facsimile-transmitted
(703 305 7687) to the Patent and Trademark Office on 25 JUL 2001:

Christopher John Rudy: Christopher John Rudy Date: 25 JUL 2001.

Sir:

Thank you for the 05/02/01 Office action (Paper No. 23) in connection with the application of reference. In reply to Paper No. 23, please reconsider the present application.

No new matter has been added. In addition to that set forth of record by the Applicants, the Examiner's attention is directed to FIG. 1. Within this figure is a common internal combustion engine for a motor vehicle. All such engines have vents to their crankcases, i.e., they are all vented. Note, for example, the features connected to and above the valve cover, at least one of which, as any person of even rudimentary skill in the art, nay, any high school shop class pupil, would recognize as being a vent for the crankcase, the gases of which otherwise are known in the present art to enter the combustion train. In fact, were it true that crankcases were not vented, the seals of internal combustion engines would continually blow, and the engines would thus be inoperable. Such a vented engine is a fine example of a working machine. Moreover, it is well known that transmissions are vented as well. If the Examiner has any factual knowledge of anything contrary to this, he must make it of record by an Examiner's affidavit; otherwise, his rejection and objection under 35 USC 112, 1st para., and 132, cannot logically nor practically stand. What is more, for the sake of argument, even if there were no disclosure of such thereby, the Applicants do not need to show that all working machines are vented to enter such a limitation. To say as the Examiner has done on pages 7-8 of Paper No. 23 is to go against common sense and Supreme Court caselaw in this. See, e.g., Marconi, 57 USPQ at 483. If an airtight working machine is known, it is not predispositive that such negates a vented one! The citation of certain patents by

Hall et al., 09/172577

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the Examiner on page 8 of Paper No. 23 begs the question of whether vented machines exist, and particular citations are problematic and/or nonanalogous art. Furthermore, the limitation, "without the presence of said inert gas blanket . . .," is fully disclosed in the original written specification in its entirety by any fair reading of the same. Claim limitations are not required to be supported in haec verba.

Again, against the 35 USC 102(b) rejection, Kopel does not show a vented system. However, salient claims require such.

Again further, against the 35 USC 103(a) rejections, nothing in the proposed combinations suggests the claimed subject matter. In fact, there has been applied nonanalogous art, and art which, if applicable, even in combination is plainly deficient as regards the particular limitations required by salient claims.

The remarks set forth in the papers filed by the Applicants of record are incorporated herein by reference.

The objection and rejections standing of record in the present application are respectfully traversed.

Please, therefore, withdraw the objection and rejections.

The case is clearly in condition for allowance. Still, the Examiner remains invited to call the undersigned to discuss the application or seek authorization for an Examiner's amendment.

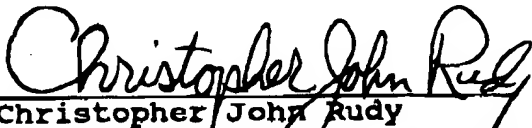
A Notice of Allowance is solicited.

Respectfully,

RICHARD H. HALL ET AL.

Dated: July 25, 2001 A.D.

Per


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